

STATE OF MISSISSIPPI

Office of the Governor



A PROCLAMATION

BY THE

GOVERNOR

WHEREAS, by the provisions of Section 121 of the Constitution of the State of Mississippi, the Governor is vested with the power to convene, by public Proclamation, the Legislature in Extraordinary Session whenever, in his judgment, the public interest requires it; and

WHEREAS, it is my judgment that the public interest requires that the Legislature be convened in Extraordinary Session for the consideration of the matter hereinafter stated:

NOW, THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, do hereby issue this Proclamation to convene the Legislature in Extraordinary Session, and do designate Thursday, February 4, 2016, at 8:00 a.m. as the time, and the State Capitol in the City of Jackson, Mississippi, as the place, in which said Session shall be convened; and do designate as the subject to be considered at said Extraordinary Session, when so convened, the following matter so relating exclusively to and for no other purpose:

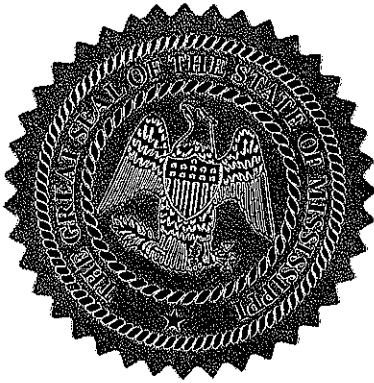
AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO INCLUDE CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANTS AND THEIR AFFILIATES AND TO INCLUDE CERTAIN MARITIME FABRICATION AND ASSEMBLY FACILITIES; TO AMEND SECTION 57-75-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CONTRACTS BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR A PUBLIC AGENCY FOR CERTAIN CONTRACTS RELATED TO THE PROJECTS INCLUDED IN THIS ACT SHALL BE EXEMPT FROM ALL OR A PORTION OF THE PROVISIONS OF SECTION 31-7-13 AND THAT SUCH CONTRACTS MAY BE AWARDED ON THE BASIS OF NEGOTIATION UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO GRANT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY CERTAIN ADDITIONAL POWERS AND DUTIES WITH REGARD TO THE PROJECTS INCLUDED IN THIS ACT; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE

ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PROJECTS INCLUDED IN THIS ACT AND TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH BONDS MAY BE UTILIZED; TO AMEND SECTION 57-75-17, MISSISSIPPI CODE OF 1972, TO PROVIDE PROTECTION FOR CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE PLANT PROJECTS FROM SURFACE OR SUBSURFACE MINERAL EXPLORATION ACTIVITIES; TO AMEND SECTION 57-75-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS OF A COUNTY OR THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY EACH ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS PROVIDING THAT THE COUNTY OR MUNICIPALITY WILL NOT LEVY ANY TAXES, FEES OR ASSESSMENTS UPON THE ENTERPRISE OTHER THAN TAXES, FEES OR ASSESSMENTS THAT ARE GENERALLY LEVIED UPON ALL TAXPAYERS AND TO AUTHORIZE THE BOARD OF SUPERVISORS OR GOVERNING AUTHORITIES TO ENTER INTO A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT WITH THE ENTERPRISE OPERATING SUCH A PROJECT; TO AMEND SECTION 57-75-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COUNTY IN WHICH CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS ARE LOCATED TO ASSIST THE ENTERPRISE ESTABLISHING THE PROJECT AND CERTAIN PUBLIC AGENCIES IN DEFRAYING CERTAIN COSTS; TO AUTHORIZE SUCH A COUNTY TO PROVIDE FUNDS FOR SUCH PURPOSES BY APPROPRIATING MONEY FROM ITS GENERAL FUND OR FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS ISSUED BY THE COUNTY AND/OR LOANS FROM THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR MISSISSIPPI DEVELOPMENT AUTHORITY; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO PROVIDE FUNDS FOR SUCH PURPOSES BY APPROPRIATING MONEY FROM CERTAIN SOURCES, INCLUDING FROM THE PROCEEDS OF LOANS FROM THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY; TO AUTHORIZE CERTAIN TRANSFERS AND CONVEYANCES OF REAL OR PERSONAL PROPERTY WITH OR WITHOUT CONSIDERATION; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO MAKE GRANTS TO EACH OTHER IN CONNECTION WITH SUCH A PROJECT; TO EXEMPT THE ACQUISITION OF CERTAIN REAL PROPERTY AND/OR OPTIONS TO PURCHASE SUCH REAL PROPERTY FOR SUCH A PROJECT FROM CERTAIN REQUIREMENTS; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO PROVIDE PERIODIC GRANTS AND OTHER SUCH CONTRIBUTIONS OF FUNDS TO ASSIST THE ENTERPRISE ESTABLISHING THE PROJECT AND TO ENTER INTO CERTAIN AGREEMENTS IN CONNECTION THEREWITH; TO AMEND SECTION 57-99-1, MISSISSIPPI CODE OF 1972, TO INCLUDE CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS WITHIN THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" FOR THE PURPOSES OF THE LAW THAT AUTHORIZES INCENTIVE PAYMENTS TO SUCH QUALIFIED BUSINESSES THAT ARE FUNDED BY A CERTAIN PORTION OF THE WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS; TO

AMEND SECTION 57-99-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THE COMMENCEMENT OF THE INCENTIVE PERIOD UNDER THE WITHHOLDING REBATE INCENTIVE PROGRAM FOR CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS; TO AMEND SECTION 21-1-59, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING AUTHORITIES OF A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH AN ENTERPRISE OPERATING CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS PROVIDING THAT THE MUNICIPALITY WILL NOT CHANGE ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE LIMITS OF SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT UNLESS CONSENT THERETO SHALL BE OBTAINED IN WRITING FROM THE ENTERPRISE OPERATING THE PROJECT; TO AMEND SECTION 27-7-30, MISSISSIPPI CODE OF 1972, TO PROVIDE INCOME TAX EXEMPTIONS FOR INCOME ARISING FROM THE PROJECTS INCLUDED IN THIS ACT; TO PROVIDE FOR THE DURATION OF THE INCOME TAX EXEMPTIONS; TO PROVIDE THAT IN REGARD TO CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS, IN THE EVENT THE ANNUAL FULL-TIME JOBS MAINTAINED FALLS BELOW A CERTAIN AMOUNT, THE TAX EXEMPTION SHALL BE SUSPENDED UNTIL THE FIRST TAX YEAR DURING WHICH THE ANNUAL NUMBER OF FULL-TIME JOBS IS ABOVE THAT AMOUNT; TO PROVIDE THAT THE ENTERPRISE OPERATING A CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECT SHALL BE ENTITLED TO UTILIZE A SINGLE SALES APPORTIONMENT FACTOR IN THE CALCULATION OF ITS LIABILITY FOR INCOME TAX FOR ANY YEAR FOR WHICH IT FILES A MISSISSIPPI INCOME TAX RETURN; TO AMEND SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MUNICIPALITY CHANGES ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THE PROJECT SITE OF CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANTS, ALL REAL AND PERSONAL PROPERTY LOCATED ON THE PROJECT SITE WITHIN THE BOUNDARIES OF SUCH MUNICIPALITY THAT IS OWNED BY A BUSINESS ENTERPRISE OPERATING SUCH PROJECT SHALL BE EXEMPT FROM AD VALOREM TAXATION FOR A PERIOD OF TIME NOT TO EXCEED 30 YEARS UPON RECEIVING APPROVAL FOR SUCH EXEMPTION BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION CERTAIN SALES OR LEASES TO ENTERPRISES OPERATING THE PROJECTS INCLUDED IN THIS ACT AND THE AFFILIATES OF CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS; TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO EXEMPT LAND ACQUIRED, SOLD OR LEASED PURSUANT TO THE STATE PORTS AND HARBORS LAW FROM CERTAIN REQUIREMENTS REGARDING THE PURCHASE OF LAND BY THE STATE; TO AMEND SECTION 31-19-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROVISIONS REGARDING THE ISSUANCE OF BONDS SHALL NOT APPLY TO THE SALE OF BONDS BY A COUNTY IN CONNECTION WITH CERTAIN TIRE OR OTHER

RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS; TO AMEND SECTION 43-37-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 27-13-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN REGARD TO CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS, ANY FEE-IN-LIEU OF FRANCHISE TAX AGREEMENT SHALL NOT EXCEED 25 YEARS AND SHALL APPLY ONLY TO NEW FRANCHISE TAX LIABILITY CONNECTED WITH THE PROJECT; TO PROVIDE THAT IN THE EVENT THAT THE ANNUAL NUMBER OF FULL-TIME JOBS MAINTAINED BY THE ENTERPRISE CONNECTED WITH SUCH PROJECT FALLS BELOW THE AGREED UPON AMOUNT FOR TWO CONSECUTIVE YEARS, THE FRANCHISE TAX FEE-IN-LIEU FOR THE PROJECT SHALL BE SUSPENDED UNTIL THE FIRST TAX YEAR DURING WHICH THE ANNUAL NUMBER OF FULL-TIME JOBS MAINTAINED BY THE ENTERPRISE REACHES THE AGREED UPON AMOUNT; TO PROVIDE THAT THE ENTERPRISE CONNECTED WITH SUCH A PROJECT SHALL BE ENTITLED TO UTILIZE A SINGLE SALES APPORTIONMENT FACTOR IN THE CALCULATION OF ITS LIABILITY FOR FRANCHISE TAX IMPOSED BY THIS CHAPTER WHICH IS ATTRIBUTABLE TO THE PROJECT FOR ANY YEAR FOR WHICH IT FILES A MISSISSIPPI FRANCHISE TAX RETURN; TO AMEND SECTION 19-9-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 29-3-29, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 27-31-104, MISSISSIPPI CODE OF 1972; TO PROVIDE THAT FEE-IN-LIEU AGREEMENTS SHALL BECOME A BINDING OBLIGATION OF THE PARTIES AND BE EFFECTIVE UPON THE EXECUTION OF THE AGREEMENT BY THE PARTIES AND APPROVAL BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; HOWEVER, THE TERM FOR WHICH THE FEE-IN-LIEU MAY BE GRANTED UNDER THE AGREEMENT SHALL NOT EXCEED A SINGLE PERIOD OF 10 YEARS COMMENCING ON THE DATE SPECIFIED IN THE AGREEMENT; TO PROVIDE THAT FEE IN LIEU AGREEMENTS SHALL BE BINDING ON FUTURE BOARDS OF SUPERVISORS OF THE COUNTY AND GOVERNING AUTHORITIES OF A MUNICIPALITY FOR THE DURATION OF THE AGREEMENT; TO PROVIDE THAT THE PARTIES TO A FEE-IN-LIEU AGREEMENT MAY AGREE ON TERMS AND CONDITIONS PROVIDING FOR THE REDUCTION, SUSPENSION, TERMINATION OR REINSTATEMENT OF A FEE-IN-LIEU AGREEMENT OR ANY FEE-IN-LIEU PERIOD GRANTED UNDER THE AGREEMENT UPON THE CESSATION OF OPERATIONS BY A PROJECT FOR 12 OR MORE CONSECUTIVE MONTHS OR DUE TO OTHER CONDITIONS SET FORTH IN THE AGREEMENT; TO AMEND SECTION 27-31-107, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT SUCH SECTION DOES NOT APPLY TO A FEE-IN LIEU GRANTED UNDER SECTION 27-31-104 AND 27-31-105(2); TO AMEND SECTION 27-31-111, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THIS ACT; AND FOR RELATED PURPOSES.

Further, I may submit in writing other matters for consideration during the Extraordinary Session.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 3rd day of February in the year of our Lord, two thousand and sixteen, and of the Independence of the United States of America, the two hundred and fortieth.

A handwritten signature in cursive script, reading "Phil Bryant", is written over a circular ink smudge or seal impression.

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR